

REMARKS

By the present response, Applicants have amended claims 1, 13, 16, 18, 23, 26 and 28 to further clarify the invention. Claims 1-32 remain pending in the present application.

In the Office Action, the Examiner has rejected claims 1-3, 13, 18, 23 and 28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,038,677 (Lawlor et al.). Claims 4-12, 14-17, 19-22, 24-27 and 29-32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lawlor et al. in view of U.S. Patent No. 7,069,558 (Stone et al.).

Response to Arguments

In the Response to Arguments section of the Office Action, the Examiner states that Applicants' arguments have been fully considered but are not persuasive. The Examiner maintains that Lawlor et al. discloses tracking resources utilized in responding to a request or set of requests or performing a transaction or a set of transactions, asserting that Lawlor discloses that "an administrator will identify (track) resources needed to execute a specific application." However, this is not tracking resources that have been utilized in responding to a request or set of requests or performing a transaction or a set of transactions. Identifying resources needed to execute a specific application is not tracking resources that have been utilized in responding to a request or performing a transaction.

Moreover, the Examiner points out that "tracking of resources that have been utilized" is not the wording used in the claims. Applicants have amended the present claims to further clarify this limitation.

Further, the Examiner states that "maintaining the record of resources utilized in responding over a selected time period or on a rolling time period basis." However, claims 13, 18 and 23 recite these limitations. Applicant has amended these claims to further clarify "maintaining a record of a union of all resources that have been utilized in responding to each instance of a request or to each instance of a transaction over a selected time period or on a rolling time period basis."

35 U.S.C. §102 Rejections

Claims 1-3, 13, 18, 23 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Lawlor et al. Lawlor et al. has been discussed in Applicants' previously-filed response. Applicants respectfully traverse these rejections.

Regarding claims 1, 13, 18, 23 and 28 Applicants submit that Lawlor et al. does not disclose or suggest the limitations in the combination of each of these claims of, *inter alia*, tracking resources that have been utilized in responding to a request or set of requests or performing a transaction or a set of transactions, or automatically defining resources that form an IT service by aggregating all resources to respond to all requests or to perform all transactions, or maintaining a record of a union of all resources that have been utilized in responding to each instance of a request or transaction over a selected time period or on a rolling time period basis. The Examiner asserts that Lawlor et al. discloses tracking resources utilized in responding to a request or set of requests or performing a transaction or a set of transactions, at column 2, lines 46-48. However, these portions merely disclose that an administrator identifies a set of resources that must be collocated with a given application in the event of a failure of a computer on which the application is then executing. This is not tracking resources that have been utilized in responding to a request or set of requests or performing a transaction or a set of transactions, as recited in the claims of the present application. Lawlor et al. merely discloses an administrator identifying a set of resources that must be collated in the event of a failure of a computer. Thus, the resources are identified by the administrator before and in advance of an event of a failure. This is not tracking resources utilized, as recited in the claims of the present application. Lawlor et al. does not disclose or suggest the tracking of resources that have been utilized. Further, Lawlor et al. does not disclose or suggest tracking resources that have been utilized in responding to a request or set of requests or performing a transaction or a set of transactions. The resources disclosed in Lawlor et al. are merely identified by an administrator in advance of a failure. This is not tracking resources in response to a request or a performing, as recited in the claims of the present application.

Moreover, the Examiner asserts that Lawlor et al. discloses automatically defining resources that form an IT service by aggregating all resources utilized to respond to all requests or to perform all transactions, and maintaining a record of a union of all

resources utilized in responding to each instance of a request or transaction over a selected time period or on a rolling time period basis, at column 2, lines 48-50. However, these portions merely disclose that a system tool automatically generates one or more resource groups using a set of collocation constraints or rules. This is not automatically defining resources that form an IT service by aggregating all resources that have been utilized to respond to all requests or to perform all transactions, as recited in the claims of the present application. Lawlor et al. merely discloses automatically generating resource groups using collocation restraints or rules. Lawlor et al. does not disclose or suggest aggregating resources utilized to respond to all requests or to perform all transactions.

Moreover, Lawlor et al. does not disclose or suggest maintaining a record of a union of all resources that have been utilized in responding to each instance of a request, or maintaining the record of resources that have been utilized in responding to each instance of a transaction over a selected time period or on a rolling time period basis. There is no disclosure or suggestion in Lawlor et al. of a union of all resources that have been utilized over a selected time period or on a rolling time period basis.

Regarding claims 2 and 3, Applicant submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicants submit that Lawlor et al. does not disclose or suggest the limitations in the combination of each of claims 1-3, 13, 18, 23 and 28 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 4-12, 14-17, 19-22, 24-27 and 29-32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lawlor et al. in view of Stone et al. Applicants respectfully traverse these rejections and submit that these claims are dependent on one of independent claims 1, 13, 18, 23 and 28 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicants submit that Stone et al. does not overcome the substantial defects noted previously regarding Lawlor et al.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 4-12, 14-17, 19-22, 24-27 and 29-32 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Conclusion

In view of the foregoing amendments and remarks, Applicants submit that claims 1-32 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

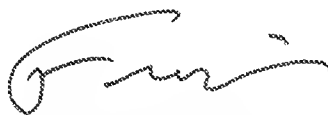
Respectfully submitted,

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(Applicant)

Date: November 6, 2007

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